

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMMAR HARRIS,

Plaintiff

v.

CHARLES DANIELS, et al.,

Defendants

Case No. 2:22-cv-00293-CDS-NJK

ORDER

This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. ECF No. 11. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on June 2, 2022. ECF No. 14. The follow-up order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. ECF Nos. 20, 22. Plaintiff did not attend the mediation. (ECF No. 28). This case now proceeds onto the normal litigation track.

Plaintiff also filed a motion to consolidate his cases. ECF No. 27. The Court denies the motion to consolidate without prejudice because not all of Plaintiff's cases are out of screening. *See Harris v. Dreesen*, 2:22-cv-01231-JAD-EJY (stayed for inmate mediation); *Harris v. Ely State Prison Staff*, 3:21-cv-00380-RCJ-CLB (awaiting resolution of motions to determine operative complaint). It is unclear at this stage whether any of Plaintiff's actions involve a common question of law or fact that would warrant consolidation. *See Fed. R. Civ. P. 42(a)*.

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 11) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

1 2. The movant herein is permitted to maintain this action to conclusion without the
2 necessity of prepayment of any additional fees or costs or the giving of security therefor.

3 3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the
4 Nevada Department of Corrections will forward payments from the account of Ammar Harris,
5 #1116547 to the Clerk of the United States District Court, District of Nevada, 20% of the
6 preceding month's deposits (in months that the account exceeds \$10.00) until the full \$350
7 filing fee has been paid for this action. The Clerk of the Court will send a copy of this order to
8 the Finance Division of the Clerk's Office. The Clerk will send a copy of this order to the
9 attention of **Chief of Inmate Services for the Nevada Department of Corrections**, P.O. Box
10 7011, Carson City, NV 89702.

11 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
12 of Plaintiff's complaint (ECF No. 15) on the Office of the Attorney General of the State of Nevada
13 by adding the Attorney General of the State of Nevada to the docket sheet. This does not
14 indicate acceptance of service.

15 5. Service must be perfected within ninety (90) days from the date of this order
16 pursuant to Fed. R. Civ. P. 4(m).

17 6. Subject to the findings of the screening and follow-up orders (ECF Nos. 14, 20),
18 within twenty-one (21) days of the date of entry of this order, the Attorney General's Office shall
19 file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
20 accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the
21 names of the defendants for whom it is filing the last-known-address information under seal. As
22 to any of the named defendants for whom the Attorney General's Office cannot accept service,
23 the Office shall file, under seal, but shall not serve the inmate Plaintiff the last known
24 address(es) of those defendant(s) for whom it has such information. If the last known address of
25 the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain and
26 provide the last known physical address(es).

7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General has not provided last-known-address information, Plaintiff shall provide the full name and address for the defendant(s).


8. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint (ECF No. 15) within sixty (60) days from the date of this order.

9. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service when required.

10. This case is no longer stayed.

11. The motion for consolidation (ECF No. 27) is denied.

DATED: November 2, 2022


UNITED STATES DISTRICT JUDGE